



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.1777
28 September 1999

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1777th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 July 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE
COVENANT (continued)

Draft list of issues to be taken up in connection with the consideration
of the fourth periodic report of Morocco (continued)

* The summary record of the second part (closed) of the meeting appears
as document CCPR/C/SR.1777/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They
should be set forth in a memorandum and also incorporated in a copy of the
record. They should be sent within one week of the date of this document to
the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee
at this session will be consolidated in a single corrigendum, to be issued
shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Draft list of issues to be taken up in connection with the consideration of the fourth periodic report of Morocco (continued)
(CCPR/C/67/Q/MOR/1/Rev.3)

1. The CHAIRPERSON recalled that it had been suggested that question 17 should be placed in the section of the list relating to discrimination against women (questions 8 to 11). She herself was opposed to that suggestion.
2. Ms. EVATT (Country Rapporteur) said the situation of women in Morocco was one of the most significant issues the Committee would have to deal with in relation to the report, and for that reason she would tend to agree that question 17 should not be included in that context. As she understood it, Mr. Amor had not been opposed in principle to the inclusion of a question on discrimination against homosexuals, but only to its inclusion in the context of discrimination against women. Although she would like to keep the question, she had no specific evidence to justify it, and could therefore agree to its deletion on the grounds that the questions on women had higher priority.
3. Mr. ZAKHIA pointed out that in Arab countries even heterosexual relations which were not legitimized by marriage were prohibited. Although he was not opposed to the question in principle, he would warn the Committee that it would have much less chance of being accepted if it was posed in terms of relations between homosexuals. It would be better to substitute a question on the right to privacy in relationships between adults generally, without referring to homosexuality. Such a question could be worded along the following lines: "Please indicate the measures taken, both in legislation and in practice, to preserve the right to privacy and to safeguard freedom of sexual relations between adults."
4. Mr. YALDEN supported that suggestion.
5. Ms. EVATT (Country Rapporteur) proposed the formulation "Please indicate how the law protects the right to privacy in sexual relationships."
6. Mr. AMOR said he would prefer the question to relate simply to the right to privacy, with no reference to sexual relationships.
7. Mr. ZAKHIA considered that it was important to include that reference, in the light of the fact that in many Arab countries a relationship between unmarried partners was considered an offence rendering the persons concerned liable to prosecution.
8. Mr. AMOR said that to his knowledge that was not a problem that ever arose in Morocco. He did not think the Committee would be justified in including it in the list of written questions on the report.

9. The CHAIRPERSON suggested that since the Committee had no information at all on the matter, the question should be deleted from the list. It could then be raised orally and, if necessary, incorporated in the concluding observations.
10. It was so agreed.
11. Mr. AMOR, referring to question 18, pointed out that there were in fact no restrictions on the freedom to change one's religion in Morocco. On the other hand, proselytizing was prohibited under articles 201 and 202 of the Penal Code. A sentence should therefore be added, reading "Is proselytizing permitted in Morocco?".
12. Mr. POCAR supported that proposal.
13. It was so agreed.
14. Ms. GAITAN DE POMBO, referring to the Spanish version of question 19, pointed out that the word "confiscar" should be used instead of "secuestrar" for the English word "seize".
15. Lord COLVILLE proposed that the words "which appear to authorize censorship" should be deleted.
16. It was so agreed.
17. Mr. SOLARI YRIGOYEN said he was not clear as to the meaning of the question "What prosecutions have been brought under article 179 of the Penal Code for criminal libel and with what results?" in paragraph 20.
18. Ms. EVATT (Country Rapporteur) suggested the formulation "How many prosecutions have been brought ...".
19. Ms. CHANET said that, in her view, there was nothing in the report to warrant a question on article 179 of the Penal Code in relation to article 19 of the Covenant. In fact, paragraph 3 of article 19 made provision for restrictions on the right to freedom of expression when necessary for respect of the reputations of others.
20. Ms. EVATT (Country Rapporteur) suggested that the first sentence could be deleted, and the second sentence reworded as a question on how article 179 of the Penal Code was applied in practice.
21. Ms. CHANET said that, in her view, question 20 should be deleted altogether. The punishment of criminal libel was not in itself incompatible with the Covenant.
22. The CHAIRPERSON suggested that, in the absence of specific information on the issue, question 20 should be deleted.
23. It was so agreed.

24. Ms. EVATT (Country Rapporteur) proposed that question 21 should be deleted.
25. Mr. AMOR considered that question 21 was important and should be retained.
26. Ms. CHANET agreed that the question should be retained since it was not clear from paragraph 166 of the report of Morocco whether prior notification, or prior authorization, was required for the holding of a public meeting.
27. It was so agreed.
28. Mr. AMOR, referring to question 22, said that while he could agree that child labour and child abuse were serious problems in Morocco, he was not sure whether child prostitution was also a problem. He wondered whether sufficient information was available to the Committee to justify a question on the matter.
29. Ms. GAITAN DE POMBO supported that view. She had visited Morocco on a number of occasions and had found no evidence to suggest the existence of child prostitution. It would be better to raise an oral question on the matter and to delete the words "child prostitution" from question 22.
30. Ms. EVATT (Country Rapporteur) said that information had in fact been received from NGOs suggesting that child prostitution did exist in impoverished areas of Morocco. She would be reluctant to delete those words.
31. Mr. YALDEN said that in a recent report of the Committee on the Rights of the Child, concern had been expressed at child prostitution in Morocco.
32. The CHAIRPERSON said she took it the Committee wished question 22 to be retained as it stood.
33. It was so agreed.
34. Mr. SOLARI YRIGOYEN, referring to the Spanish text of question 23, said the word "culturales" should be added after the word "peculiaridades".
35. Mr. POCAR said the words "Principle of non-discrimination and the" and the reference to article 26 of the Covenant should be deleted from the heading. He suggested that the first sentence should be reworded along the following lines: "What recognition is given to ethnic, religious or linguistic minorities, including the Berbers and Tuareg, to enable persons belonging thereto to exercise their rights?".
36. Mr. AMOR did not think any specific reference should be made to the Tuareg since as far as he was aware they did not constitute a problem in Morocco. Similarly, although the Berbers had their own language and traditions, they could not be described as an ethnic group, and a question relating specifically to them might be seen as being politically motivated. Despite arguments to the contrary, historians were agreed that it was the Berbers, and not the Arabs, who constituted the original population of the countries of the Maghreb: the Arabs had come to the area that was now

Algeria, Morocco and Tunisia from the Arabian Peninsula following the rise of Islam. He therefore considered that any reference in question 23 to ethnicity, and to the Tuareg in particular, should be avoided.

37. Lord COLVILLE said that he saw no harm in referring to the Tuareg; if Morocco had no problem with that ethnic group, the Committee would be reassured by a statement to that effect in the next periodic report. As to the Berbers, he definitely thought that they should be included in the question but would defer to Mr. Amor with regard to the manner in which the question was drafted.

38. Mr. BHAGWATI suggested that, in view of Mr. Amor's remarks, it might be best not to mention the Tuareg in the list of issues and to ask about them, if necessary, at the oral questions stage.

39. Mr. KLEIN proposed that question 23, including a reference to the Tuareg, should be maintained with the wording proposed by Mr. Pocar.

40. It was so agreed.

41. The list of issues (CCPR/O/67/O/MOR/1/Rev.3), as amended, was adopted.

The public part of the meeting rose at 3.50 p.m.



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.1778
20 December 1999

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE 1778th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 July 1999, at 10 a.m.

Chairperson: Mr. AMOR

later: Ms. MEDINA QUIROGA

CONTENTS

ORGANIZATIONAL AND OTHER MATTERS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, ~~to be~~ ^{distributed} shortly after the end of the session.

The meeting was called to order at 10 10 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRPERSON invited the members of the Committee to adopt the revised version of the draft consolidated guidelines for State reports under the International Covenant on Civil and Political Rights (CCPR/C/GUI/2/Rev. 1). The draft had been prepared by Lord Colville.
2. Lord COLVILLE, introducing the draft, said he hoped that the Committee would rapidly reach a consensus on the wording of the various paragraphs, so that the text could be adopted before the end of the current session and included in the Committee's annual report. He drew particular attention to paragraph A.2, which provided that the guidelines would be effective for all reports to be submitted three months from their publication. The proposed date in brackets (October 1999) could be changed, the important point being that the guidelines should be adopted as soon as possible and that the Committee should decide on a date of publication. He also drew attention to section H, entitled "Format of the report", which had not existed in the earlier versions. The various sections were indicated by a letter, and divided into paragraphs preceded by the letter of the section followed by a figure listing the paragraphs.
3. Ms. GAITAN DE POMBO said the word "refundidas" in the Spanish text of the title was unsuitable and should be replaced by a more appropriate term.

Section A. "Introduction"

Paragraph A.1

4. The CHAIRPERSON said that, in the French text, the word "annulée" should be replaced by "abrogée".

Paragraph A.4

5. Ms. CHANET suggested that, in the French text, the first part of the sentence should be amended to say that application of the guidelines would reduce the demand for further information.

6. Section A, as orally amended, was adopted

Section B. "Framework of the Covenant concerning reports"

7. Section B, as orally amended, was adopted.

Section C. "General guidance for contents of all reports"

Paragraph C.1 "The articles and the Committee's General Comments"

8. Mr. POCAR suggested that the word "should" should be replaced by "must", which was more emphatic and hence more appropriate.

9. Mr. Pocar's suggestion was adopted.

Paragraph C.3 "Derogations"

10. Mr. SCHEININ said that the wording of that paragraph might give the impression that the Committee was interested only in the legitimacy of derogations, whereas it was important to know what rights might be restricted under the derogations. States parties should therefore be requested also to indicate the effects of derogations.

11. Mr. LALLAH suggested that, at the end of the paragraph, words should be added stating that relevant information should be provided in relation to each article of the Covenant affected by the derogation.

12. The suggestions by Mr. Scheinin and Mr. Lallah were adopted.

Paragraph C.6 "Discrimination" and paragraph C.7 "Problems of the types referred to in C.4 to C.6 above"

13. Ms. CHANET suggested that the two paragraphs should be deleted as being confusing and of little use.

14. Mr. LALLAH said that paragraph C.6 mixed the question of discrimination and the question of minority rights; the Committee must, in fact, take care to make a clear distinction between them.

15. Mr. BHAGWATI supported the suggestion to delete paragraph C.6, which, in his view, was unnecessary since the question of discrimination was necessarily taken up in State party reports under the implementation of article 27 of the Covenant.

16. Lord COLVILLE said he did not oppose the deletion of paragraphs C.6 and C.7, but recalled the Committee's view that it was important for all State party reports to contain statistics on the situation of women.

17. Ms. EVATT considered that the Committee's future general comment concerning article 3 of the Covenant would give clear indications on the question of the equality of the sexes. Pending its adoption, however, the Committee could agree on the text of a new paragraph, to replace paragraphs C.6 and C.7, in which it would request statistics on the situation of women.

18. Mr. POCAR, endorsing Ms. Evatt's suggestion, considered that the question of equality between men and women, to which one article of the Covenant was devoted, might be the subject of a specific paragraph in which the Committee would say that that question must be dealt with in all State party reports.

19. The Committee should approach the question of statistics in general terms, without going into detail. States parties should simply be asked to provide all relevant statistics for the purpose of the consideration of their reports.

20. The CHAIRPERSON said he was not opposed to the deletion of paragraphs C.6 and C.7, but considered it important to indicate in the guidelines that States parties must provide statistics in their periodic reports.

21. Lord COLVILLE agreed with the Chairperson and observed that the statistics presented orally to the Committee by State party representatives during the consideration of a report were of little value. In his opinion, it should be stated that reports must contain all relevant statistics, particularly on the question of equality between men and women. However, if the Committee wished to extend the request to other areas, he would endorse its decision.

22. Mr. YALDEN supported Lord Colville's suggestion, but observed that reports were often prepared a long time before their consideration by the Committee and the statistics they contained were accordingly obsolete. Consequently, arrangements should be made to enable States parties to submit additional statistics, which should furthermore be circulated to Committee members sufficiently in advance to enable them to take them into account when considering the report.

23. Ms. EVATT, supported by Mr. BHAGWATI, said that the text of the guidelines could not possibly solve all the problems arising from the submission of State party reports. The Committee could simply say that reports must contain statistics and sufficient data to enable it to assess the human rights situation and progress with regard to respect for the rights of women and minorities.

24. Mr. LALLAH said that he would prefer there to be no specific mention of the rights of women and minorities, since the Committee was also interested in other statistics, for example statistics on the number of persons sentenced to death, executions, etc. It would therefore be better to ask, in more general terms, for statistics on the implementation of the relevant articles of the Covenant.

25. Lord COLVILLE said that the point raised by Mr. Yalden was dealt with in section G.5 ("Extra information"); in his view, it was difficult to see what better solution the Committee could adopt at the present time.

26. Mr. ANDO considered that it would indeed be advisable to draft a new paragraph to replace paragraphs C.6 and C.7, in which the Committee would request States parties to include in their reports all relevant statistics on the implementation of the provisions of the Covenant, including statistics relating to the situation of women and minorities.

27. Mr. BHAGWATI considered it important that States parties should systematically provide statistics on the situation of minorities relating, in particular, to their representation in public life, education, etc.

28. The CHAIRPERSON observed that the question of equality between men and women arose in all cases, regardless of the State party concerned, unlike the question of minority rights which, in some States, was almost if not completely irrelevant.

29. Ms. CHANET said she took a less trenchant view. Although the question of minority rights did not arise systematically, unlike the question of equality of the sexes, it nevertheless arose very frequently. She suggested that general wording should be retained and that States parties should be asked to provide statistics, when available, on all relevant articles of the Covenant.

30. Lord COLVILLE, summarizing the points on which a consensus seemed to be emerging, said that paragraphs C.6 and C.7 would be deleted and replaced by two new paragraphs. In the first, the Committee would say that the question of equality of rights between men and women should be specifically dealt with in all State party reports. In the second, it would say that the reports should include sufficient data or statistics to enable it to assess progress in the enjoyment of Covenant rights, wherever those were appropriate.

31. It was so decided.

32. Section C, as orally amended, was adopted.

33. Ms. Medina Quiroga took the Chair.

Section D. "The initial report"

Paragraph D.1 "General"

34. Mr. POCAR suggested that the word "principal" should be deleted from the second subparagraph.

35. Mr. KRETZMER considered that, since the question was a particularly sensitive one, it would be better to follow the actual wording of the Covenant and amend the second line of the third subparagraph to read: "rights by all individuals within the territory of the State party and subject to its jurisdiction".

Paragraph D.2 "The core document"

36. Ms. CHANET, Lord COLVILLE, Ms. EVATT, Mr. ANDO, Mr. LALLAH and Mr. POCAR, discussing the advisability of attaching to the core document the degree of importance given to it in paragraph D.2, said that it was a unique document which States parties were called upon to prepare for all the treaty bodies; its role in the preparation of the initial and subsequent reports of States parties was fairly secondary. They agreed to adopt the solution proposed by Ms. Evatt: no separate mention should be made of the core document; the text should go directly from paragraph D.1 to paragraph D.2.2, which referred to an essential article of the Covenant, article 2; at the end of paragraph D.1, there should simply be a short paragraph reminding States parties that some essential information might already be contained in the core document, to which reference might simply be made in the report.

Paragraph D 3 "Contents of the initial report"

Paragraph D 3.1

37. Mr. KRETZMER said the second clause of the paragraph should be amended to ensure that the State party fully understood that what the Committee was interested in was not only the legal norms, but the practical situation and the actual availability of remedies.

38. Ms. CHANET considered that the words "it is not sufficient to describe the legal norms", which presupposed the existence of such norms and their description in the reports, was not positive enough.

39. Lord COLVILLE, taking account of the observations just made, proposed the following wording: "Legal norms should be described, but that is not sufficient. The situation in fact, the practical implementation and effect of rights, and the availability of remedies for violations of them should be described".

Paragraph D 3.2

40. Lord COLVILLE considered it unnecessary to retain the text in square brackets. He proposed that the beginning of the paragraph should be amended to read "The report should explain", the rest of the paragraph being unchanged.

41. Mr. SCHEININ considered that, in the first subparagraph, it would be preferable to replace the term "self-executing", a concept which certainly did not exist in all countries, by the words "directly applicable", which was more widely used.

42. Ms. CHANET suggested that the word "protected" in the third subparagraph should be replaced by "guaranteed".

43. Mr. LALLAH inquired about the meaning of the words in brackets in the last subparagraph.

44. Lord COLVILLE said that those words could be deleted.

45. Paragraph D 3.2, as orally amended, was adopted.

Paragraphs D 3.3 and D 3.4

46. Paragraphs D 3.3 and D 3.4 were adopted.

Paragraph D 3.5

47. Mr. POCAR, speaking on behalf of several members of the Committee who considered that paragraph to be unnecessary, requested that it should be deleted.

48. Ms. EVATT, supported by Lord COLVILLE, proposed that the Committee should define in a few lines at the end of section C the role it wished core documents to play.

49. The CHAIRPERSON said she thought she was correctly interpreting the view of the Committee in saying that paragraph D 3 5 should be deleted, but that there would be a reference to core documents at the end of section C.

Paragraph D 4 "Annexes to the report"

50. Lord COLVILLE explained that he had written the word "NOTE" in capital letters because he had particularly wanted to draw the State party's attention to what followed. But he agreed that the word could be deleted.

51. Section D, as orally amended, was adopted.

Section E. "Subsequent periodic reports"

Paragraph E 1 "Contents of periodic reports"

52. Lord COLVILLE said he had tried to make it very clear in that section that henceforth periodic reports must be based essentially on the most recent concluding observations of the Committee and must conform to a precisely defined framework. For that reason, he had asked States parties to devote full attention to the concluding observations, the summary records, and each article of the Covenant on which they should specify the extent to which citizens could exercise the rights established therein.

Paragraphs E.1.1 and E.1.2

53. Ms. EVATT, supported by Mr. ANDO, asked whether the first subparagraph of paragraph E.1.1 constituted an alternative and whether it would not be better to say that the two starting points for the reports were the concluding observations "and", and not "or", the summary records.

54. Mr. POCAR, also supported by Mr. ANDO, suggested that in the second subparagraph the word "examination" should be replaced by "description".

55. Mr. BHAGWATI considered that States parties should be requested to inform the Committee of the situation at the time of drafting the report with regard to the enjoyment of their rights by persons within their jurisdiction.

56. Ms. EVATT considered that it would be advisable to recall that in article 40 of the Covenant States parties were requested to inform the Committee of "progress made", the important word being "progress"; the reports must also give information on the "current" situation.

57. Ms. CHANET, referring to an earlier decision by the Committee on the need to make the concluding observations on the preceding report, in conjunction with the previous subjects of concern and recommendations, the starting and finishing points of State party reports, felt that it would be possible to merge into a single paragraph paragraphs E.1.1 and E.1.2, which it was difficult to differentiate. The Committee would retain the second and third subparagraphs of paragraph E.1.2, which would come after the first subparagraph of paragraph E.1.1, so that States parties would be requested to take account in their reports of the concluding observations, summary records, concerns and recommendations expressed by the Committee, and information previously requested or given, and then to describe any changes which had occurred since the preceding report, as stated in the second subparagraph of paragraph E.1.2. On the other hand, she found the second subparagraph of paragraph E.1.1 completely unnecessary.

58. Mr. POCAR unreservedly supported that proposal, but considered that the words “of every sort” in the second subparagraph of paragraph E.1.2 were unnecessary. He proposed that the subparagraph should be amended to read “changes which have occurred since consideration of the previous report”, since a certain period of time could elapse between the submission and consideration of a report, and a report should inform the Committee of the action taken on the recommendations it had made after considering the previous report.

59. Lord COLVILLE proposed that paragraph E.1.2 should be deleted and that paragraph E.1.1 should be reworded as suggested by the various speakers on the subject.

60. It was so decided

Paragraph E.1.3

61. Summarizing an exchange of views between Mr. POCAR, Lord COLVILLE and herself on whether the whole of the paragraph was necessary, the CHAIRPERSON said she took it that only the first part should be retained (“Periodic reports should, therefore, be structured so as to follow the articles of the Covenant”).

Paragraph E.1.4

62. After an exchange of views in which Mr. BHAGWATI, Ms. CHANET, the CHAIRPERSON and he himself took part on the means of eliminating excessively complicated references to other paragraphs in the text, Lord COLVILLE proposed that paragraph E.1.4 should be amended to read: “The State party should consider the guidance on initial reports and give effect to it so far as is necessary for a subsequent report.”

63. Lord Colville’s proposal was adopted

Paragraph E.1.5

64. Mr. POCAR said he was shocked by the words “approach to Covenant rights” in the first subparagraph.

65. Lord COLVILLE said that the purpose of that subparagraph was to draw countries' attention to the need for an article-by-article report when they had undergone radical changes in ideological terms - for example, if they had moved from a communist regime to a market economy.

66. Mr. LALLAH proposed the following wording, in the light of Lord Colville's explanation: "There may have occurred a fundamental change in the political or legal order affecting the enjoyment of Covenant rights. In this case, a full article-by-article report may be required".

67. Mr. Lallah's proposal was adopted.

68. Ms. CHANET suggested that, in the second subparagraph, the word "legal" should be replaced by "legislative". She further suggested, with support by Mr. LALLAH, that the third subparagraph should be deleted.

69. Ms. Chanet's suggestions were adopted.

70. Section E, as orally amended, was adopted.

Section F. "Optional protocols"

Paragraph F.1

71. Lord COLVILLE said that, at the end of paragraph F.1 the following words should be deleted: "taking account of the Committee's General Comment"; they had been included in error.

72. In response to concern expressed by Mr. POCAR, who wanted the content of the Views referred to in paragraph F.1 to be specified, Lord COLVILLE proposed the following wording: "If the State party has ratified the Optional Protocol and the Committee has issued Views entailing the provision of a remedy or expressing any other concern relating to a communication ...".

73. Lord Colville's proposal was adopted.

74. Section F, as orally amended, was adopted.

Section G. "The Committee's consideration of reports"

Paragraph G.1 "General"

75. Summarizing an exchange of views between Lord COLVILLE, Mr. KLEIN, Mr. LALLAH, Ms. EVATT, Mr. AMOR, Mr. POCAR and Mr. BHAGWATI, the CHAIRPERSON said that the first two sentences of paragraph G.1 would be deleted and the remaining sentence would be reworded by Lord Colville so as to mention the Committee's commitment in the process of improving the rights situation in the State party.

Paragraph G.2 "List of issues"

76. Following critical comments by Mr. SOLARI YRIGOYEN, the CHAIRPERSON said that the Committee would draw the attention of the services concerned to the problem of quality of translations.

77. Mr. SCHEININ proposed that the State party should be recommended to prepare a list of 10-15 replies and to keep its oral presentation to 60-120 minutes.

78. Mr. BHAGWATI, supported by Mr. KLEIN, considered that the question of the use of time was very important, but it was inappropriate to take it up in the guidelines. He proposed that the second sentence of paragraph G.2 should be deleted.

79. Mr. AMOR said that, since the use of time was indeed an important question, there should be a minimum of guidance on the question in paragraph G.2 dealing with the list of issues. He accordingly proposed including a sentence stating that the total discussion time should as far as possible be divided equally between the State party delegation and the Committee. Secondly, on the question of the delegation sent by the State party to introduce the report and reply to questions, he thought it was unnecessary to remind the State party that it should appoint a high-level delegation competent to reply to questions, that was obvious and, in any event, a State acted as it saw fit.

80. Thirdly, he was personally very embarrassed by the length of time between the State party's submission of its report and the time when that report was considered by the Committee. The Committee should take action vis-à-vis the services concerned and exert appropriate influence to ensure that that situation was terminated or at least became a bit more tolerable. For that reason, he proposed saying that the Committee should, as far as possible, consider at the earliest possible time the reports submitted by States and that it was incumbent on the relevant editing and translation services, and the secretariat, to take the necessary action to that end. It was embarrassing for the Committee to press States parties to submit their report within a certain time limit if it then made them wait several years before considering them.

81. Ms. GAITAN DE POMBO supported Mr. Klein's observations on the three subjects dealt with, and particularly on the use of time. Unlike Mr. Amor, she thought that it was the responsibility of the Chairperson to inform the State party delegation, on its arrival, of the time available for the oral presentation of the report and then to draw its attention to the relevant constraints in the course of the subsequent explanations. In her opinion, that should not be laid down in writing in the guidelines.

82. Mr. ANDO shared the concern expressed by Mr. Amor, Mr. Klein and Ms. Gaitan de Pombo. Perhaps a new heading should be created to refer to the constraints on the consideration of State party reports, since they had increased in number while the number of meetings which the Committee was able to devote to them was limited. In those circumstances, the Committee should exercise self-discipline by not sending the State party an excessively long list of issues, members should not repeat the same questions, and the cooperation and understanding of the State party should be sought in order to make the best possible use of the time available, following the instructions given by the Chairperson.

83. Mr. POCAR proposed a compromise solution whereby the following words would be added to the second sentence of paragraph G.2: "within the time limits available for the consideration of the report". That would make it possible to mention the question of time constraints, which would have to be spelled out by the Chairperson.

84. The CHAIRPERSON, speaking in a personal capacity, said she had learned from her experience within the Committee that it was sometimes simply impossible to ask the State party delegation to take less time because Committee members asked a host of questions, they all wanted to have replies to their questions and they sometimes asked new questions. The Committee was in the process of trying to organize its work in the best possible manner. Mr. Pocar's proposal seemed to her to be acceptable since it did no more than draw attention to the problem.

85. Lord COLVILLE said that he could accept Mr. Pocar's proposal without any difficulty, and reminded members that the guidelines were intended for State parties, and not the Committee or the United Nations system.

86. Paragraph G.2, with Mr. Pocar's amendment, was adopted

Paragraph G.3 "The State party's delegation"

87. Mr. SOLARI YRIGOYEN suggested that the wording of the second sentence might be slightly amended to say that the State party delegation should be composed of "persons who, through their rank and competence, had a thorough knowledge", the rest of the sentence remaining unchanged. The idea was to avoid delegations being composed of lower-ranking officials from permanent missions, who always had to consult their mission before replying to the Committee's questions.

88. Lord COLVILLE said that he found that suggestion very useful and proposed wording to the effect that delegations should include persons who, by their knowledge of and competence to explain the human rights situation in their country, were able to respond to the Committee's written and oral questions.

89. Paragraph G.3, as revised by Lord Colville, was adopted

Paragraph G.4 "Concluding observations"

90. Ms. EVATT, after a comment by Mr. ANDO, proposed that in the first sentence of the paragraph the word "issue" should be replaced by "publish" and that in the second sentence "published" should be replaced by "included".

91. Paragraph G.4, as orally amended, was adopted

Paragraph G.5 "Extra information"

92. Lord COLVILLE observed that the paragraph was divided into several parts, as follows: G.5.1, subparagraphs (a) and (b), and G.5.2; obviously, the time limit mentioned in paragraph G.5.1 (a) should be 10 weeks and not 10 months. In addition, subparagraph (b) of paragraph G.5.1 was completely new.

Paragraph G.5.1

93. Ms. EVATT emphasized two factors which must be taken into consideration in connection with any addenda a delegation might provide at the time of its presentation, i.e. after the submission of its report, in order to bring it up to date. First, the lists of issues were in most cases now prepared at the session preceding that at which the State party report would be considered. Secondly, the 10-week time limit mentioned in paragraph G.5.1 (a) enabled the secretariat to distribute the document in question several weeks before the session at which the report would be considered. Subparagraph (b) concerned the case of an addendum submitted a short time before the session, which was possible if it was already translated into the three working languages mentioned. If it was not translated, the addendum should be submitted one month before the session.

94. Lord COLVILLE, responding to a comment by Mr. LALLAH, said that the addenda referred to in the paragraph under consideration must have been translated by the State party in the case referred to in subparagraph (b), since the resources available to the Committee would not enable it to have that translation done in such a short time.

95. Mr. ANDO observed that, out of consideration for States parties whose language was a United Nations working language other than English, French or Spanish, the wording of subparagraph (b) should be slightly amended to say that the text must have been translated into the Committee's three working languages, "which were currently English, French and Spanish".

96. Mr. POCAR supported that suggestion.

97. Ms. CHANET agreed, and observed that, in her opinion, it was completely illusory to make such a request since States parties which provided an addendum to update their reports did so at the very last minute.

98. Mr. SCHEININ said that the excessively peremptory tone of the paragraph should be somewhat mitigated by saying, for example, that if one of those conditions was not fulfilled, the Committee would not be able to take the addendum fully into consideration.

99. Mr. YALDEN agreed with Ms. Chanet and thought that subparagraph (b) might be deleted, in the light of Mr. Ando's observations.

100. Mr. AMOR, referring to the problem arising from addenda submitted by delegations at the last minute, proposed saying that the text must have been translated into three or all of the United Nations working languages.

101. Mr. KLEIN considered that States parties could not reasonably be asked to translate any updates into all the working languages; such documents might in fact be useful to the Committee even if they were submitted in a single language.

102. Ms. EVATT recalled that the discussion concerned any addenda submitted by a delegation after the submission (and not introduction) of the report; they were in fact revisions or updates of the report proper, and not annexes, which the Committee accepted without requesting their translation. That distinction having been made, she proposed that the text of paragraph G.5.1 should be amended to read: "Following the submission of the report, any subsequent revisions or updatings of the reports submitted by States parties cannot be considered by the Committee unless they are:

(a) Submitted no later than 10 weeks prior to the date set for the Committee's consideration of the report (the minimum time required by the United Nations translation services); or

(b) Provided in the working languages of the Committee, which are currently (the rest unchanged)". Then there would be a last sentence stating that that did not apply to the usual annexes to the reports. Lastly, it was unnecessary to mention the Working Group or any other procedure forming part of the Committee's current working methods.

103. Mr. POCAR supported the wording proposed by Ms. Evatt and thought that mention might also be made of statistics or any other document containing data which the Committee could take into account without a translation.

104. Lord COLVILLE agreed to Ms. Evatt's proposal, which had the advantage of solving the problem raised by Mr. Scheinin while at the same time warning States parties of the constraints which the Committee must take into account.

105. The CHAIRPERSON noted that the Committee was ready to adopt the text of paragraph G.5.1, as amended.

106. Paragraph G.5.1, as amended, was adopted.

107. Mr. KLEIN referred to a situation where an invited State party did not attend and where the Committee asked another State party, at very short notice, to present its periodic report in lieu of the missing State party. Would the rules just adopted apply with equally strict effect?

108. The CHAIRPERSON replied that that would be an exceptional case and would be treated as such.

Paragraph G.5.2

109. Lord COLVILLE pointed out that that paragraph covered cases where a delegation announced that it would provide further information, which reached the secretariat too late to be taken into account in the text of the Committee's concluding observations and which must accordingly be included in the State party's following report.

110. Paragraph G.5.2 was adopted.

Section H "Format of the report"

111. Lord COLVILLE said that that paragraph was purely practical in nature and concerned the secretariat of the Office of the High Commissioner for Human Rights, which dealt with the reproduction, translation and distribution of documents.

112. Section H was adopted.

113. The CHAIRPERSON warmly congratulated Lord Colville on the work he had done and the patience he had displayed; he deserved the Committee's deepest thanks.

114. Ms. CHANET, reverting to a point relating to section A and more specifically paragraph A.1, said it should be specified, by indicating their symbols, which were the different earlier versions of the guidelines adopted by the Committee that had now become obsolete and been replaced by the new guidelines. In her opinion, the various versions should be listed.

115. Lord COLVILLE said that he would take Ms. Chanet's observations into account when he came to finalize the current version with its various amendments. He had also envisaged including a text containing guidelines relating to the special reports which the Committee sometimes requested.

116. The CHAIRPERSON raised the question whether it was not preferable, for that purpose, to wait until the Committee with its current membership reconsidered the guidelines in question, which would subsequently be appended to the new consolidated guidelines. On that point, she invited the Committee to resume and complete the consideration of the draft consolidated guidelines (CCPR/C/GUI/2/Rev.1) at the following meeting.

117. It was so decided.

The meeting rose at 1.05 p.m.



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.1779
1 October 1999

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1779th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 July 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF
THE COVENANT (continued)

* The summary record of the second part (closed) of the meeting appears
as document CCPR/C/SR.1779/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They
should be set forth in a memorandum and also incorporated in a copy of the
record. They should be sent within one week of the date of this document to
the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee
at this session will be consolidated in a single corrigendum, to be issued
shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Draft/consolidated guidelines for State reports under the Covenant (continued)
(CCPR/C/GUI/2/Rev.1)

1. Lord COLVILLE, recalling the discussion at the preceding meeting, said that the proposed guidelines were intended to replace all earlier guidelines on the preparation of State reports, with the exception of any guidelines the Committee might have issued in respect of special reports. They also superseded general comment 2.
2. Mr. POCAR said that, as far as he recollected, no document containing guidelines on special reports had ever been adopted by the Committee. The matter had been discussed at the sessions in 1991 or 1992; references could no doubt be found in the summary records.
3. Mr. KLEIN said that guidelines for the preparation of special reports were mentioned in paragraph 16 of document CCPR/C/133.
4. The CHAIRPERSON suggested that the symbols of all documents to be replaced by the new guidelines should be inserted in paragraph A.1.
5. It was so agreed.
6. The draft/consolidated guidelines, as amended, were adopted on that understanding.

Date of submission of the next periodic reports of Cambodia, Mexico, Poland and Romania.

7. The CHAIRPERSON said that the Bureau had considered the question of the dates by which the States parties whose reports had been considered at the present session should submit their next reports and had agreed on the following: Cambodia 2002, Mexico 2002, Poland 2003, Romania 2003.
8. Mr. LALLAH asked for an explanation of the reasoning behind that proposal.
9. Ms. EVATT said that the proposal was based on the dates on which the reports considered at the present session had been due and those on which they had been received. The initial report of Cambodia had been due in 1993 and had been submitted, with considerable delay, in 1998. It seemed reasonable that the submission of the second periodic report, originally scheduled for 1998, should be deferred for three years. Mexico's report, which had been due in 1997, had been submitted that year and there seemed to be no reason to deviate from the scheduled date of 2002 for the next report. As to Poland and Romania, their reports, due in 1994, had been submitted in 1996 and their next reports were due in the current year; a postponement by four years was thought to be appropriate.

10. Mr. SCHEININ suggested that, in view of the unsatisfactory nature of Cambodia's initial report, it might be better to bring the date for submission of the next report forward to 2001.
11. Mr. POCAR agreed, adding that he would have no objection to setting back the date for, say, Poland's next report to 2004.
12. Mr. KLEIN said that he understood Mr. Scheinin's concern but saw little point in setting a submission date of 2001 when the Committee would probably not consider Cambodia's next report before 2006. Merely to build up the backlog of reports seemed to him to be irresponsible.
13. Mr. BHAGWATI expressed his complete agreement with those remarks.
14. Mr. AMOR thanked Mr. Klein for his realistic approach.
15. Mr. KRETZMER also agreed, adding that Cambodia's main problem was institution building, which took time. There was nothing to be gained by advancing the date of submission of Cambodia's next report.
16. Mr. WIERUSZEWSKI and Mr. ZAKHIA also endorsed Mr. Klein's remarks and expressed support for the dates proposed by the Bureau.
17. The Bureau's proposals were adopted.
18. The CHAIRPERSON recalled that the Committee normally forwarded its concluding observations to the States parties concerned on the last day of the session, allowing an interval of a few hours before the customary press conference. For technical reasons, the current session's press conference would have to be held on the day before the closure of the session, 29 July, at 5 p.m. If there was no objection, she proposed to send the concluding observations to the respective States parties immediately upon adoption by the Committee.
19. It was so decided.
20. The CHAIRPERSON proposed that Hong Kong and Portugal (Macau) should be added to the list of four States parties whose reports were scheduled for consideration at the Committee's next session in October 1999.
21. It was so decided.

The public part of the meeting rose at 3.25 p.m.



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.1780
20 December 1999

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE 1780th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 July 1999, at 10 a.m.

Chairperson: Mr. BHAGWATI
(Vice-Chairperson)

later: Ms. MEDINA QUIROGA
(Chairperson)

CONTENTS

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY THROUGH
THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 45 OF THE COVENANT
AND ARTICLE 6 OF THE OPTIONAL PROTOCOL

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-43536 (E)

In the absence of Ms. Medina Quiroga, Mr. Bhagwati (Vice-Chairperson)
took the Chair

The meeting was called to order at 10.10 a.m.

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY
THROUGH THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 45
OF THE COVENANT AND ARTICLE 6 OF THE OPTIONAL PROTOCOL (agenda item 9)
(CCPR/C/66/CRP.1/Add.2/Rev.1, Add.1/Rev.1, Add.3/Rev.1, Add.4 and Add.5)

1. Lord COLVILLE (Rapporteur), introducing the draft annual report of the Committee, said that only minor amendments had been made to the reports on the sixty-fourth and sixty-fifth sessions prepared by Ms. Chanet and Ms. Evatt. However, the former chapters II and III had been brought together in a single chapter.

2. The CHAIRPERSON invited Committee members to adopt the draft annual report chapter by chapter. As chapter I was not yet available in all the working languages of the Committee, he invited Committee members to consider chapter II first.

Chapter II (CCPR/C/66/CRP.1/Add.2/Rev.1)

Paragraphs 43, 44 and 45

3. Mr. SCHEININ proposed that, in the third sentence of paragraph 44, "lists of questions" should be replaced by "lists of issues" and the phrase "as far as possible" should be inserted after the word "henceforth".

4. Ms. EVATT proposed that the term "list of issues" should also be used in the last sentence of paragraph 44.

5. The proposals by Mr. Scheinin and Ms. Evatt were approved

6. Paragraphs 43, 44 and 45, as orally amended, were adopted

Paragraph 46

7. Following a discussion in which Mr. POCAR, Mr. LALLAH, Mr. KLEIN, Mr. SOLARI YRIGOYEN, Mr. AMOR, Lord COLVILLE and the CHAIRPERSON took part, the CHAIRPERSON said he believed that the Committee as a whole wished to delete the current wording, which did not reflect reality, and to replace it with a new paragraph referring only to the eleventh meeting of Chairpersons of the Human Rights Treaty Bodies.

8. Mr. LALLAH suggested that the new paragraph could mention that the Committee had found the eleventh meeting of Chairpersons valuable as a forum for the exchange of ideas and

information on procedural and logistical questions, particularly with regard to the need to ensure that there were sufficient services to enable the various treaty bodies to perform their mandates properly.

9. Paragraph 46, as orally amended, was adopted.

Paragraph 47

10. Paragraph 47 was adopted.

Paragraphs 48, 49 and 50

11. Ms. EVATT observed that reference was made in paragraph 48 to a letter sent to the High Commissioner for Human Rights, and suggested that it should be mentioned that no reply had been made to that letter.

12. Lord COLVILLE said that Ms. Evatt's suggestion would be taken into account.

13. Mr. LALLAH pointed out that it was stated in paragraph 49 that "A joint Plan of Action ... [had been] endorsed by the Chairpersons", but that was incorrect, nor did the paragraph reflect the concerns of the Committee with regard to the plan of action in question.

14. Ms. CHANET said she was personally against the very principle of having a joint plan of action for the three Committees.

15. Mr. SOLARI YRIGOYEN supported Ms. Chanet, emphasizing that institutionalized coordination between the three Committees was not desirable.

16. Following a discussion on the best way to express the concerns of the Committee, in which Ms. EVATT, Mr. YALDEN, Mr. LALLAH, Ms. CHANET, Mr. KLEIN, Mr. AMOR and Lord COLVILLE took part, Lord COLVILLE said that paragraphs 48 and 49 would be merged in a single paragraph 48. The new paragraph would consist of the first sentence of the old paragraph 48, the first sentence of the old paragraph 49, and the following sentence: "The Committee, however, has had difficulty in endorsing the idea of a joint plan of action and indeed some aspects of the plan of action given its effects on the Committee's work."

17. Paragraphs 48, 49 and 50, as orally amended, were adopted.

18. Chapter II (CCPR/C/66/CRP.1/Add.2/Rev.1) was adopted.

19. The CHAIRPERSON invited Committee members to consider chapter I of the draft annual report, which was now available in all the working languages.

Chapter I (CCPR/C/66/CRP.1/Add.1/Rev.1)

20. Lord COLVILLE said that the name of Mr. Kretzmer should be added to the list of members of the Working Group in paragraph 20. He also drew the attention of Committee

members to the second sentence of paragraph 36, which was printed in bold in the English and Spanish versions. Given the seriousness of the problem - the summary records of the fifty-ninth session of the Committee, held in New York in 1997, had apparently still not been issued - he would like that sentence to be printed in bold in all the language versions of the annual report.

Paragraph 1

21. Ms. EVATT suggested that the penultimate sentence should be inserted after the first one. With regard to the second endnote, she recalled that the Committee had had a long discussion on where to include the references to denunciations of the Optional Protocol, and had finally decided to mention that issue in a note at the end of the chapter. She hoped that the Committee would stand by its decision and follow the system it had used in the previous annual report (A/53/40). The note should therefore mention the denunciation of the Optional Protocol by Guyana, giving the date on which that step had taken effect, and it should also mention the situation concerning Trinidad and Tobago.

22. Paragraph 1, as orally amended, was adopted.

Paragraphs 2 and 3

23. Paragraphs 2 and 3 were adopted

Paragraph 4

24. Ms. CHANET said she would like to retain the system of giving the symbols of documents in which the reservations and other declarations made by States parties were to be found.

25. Paragraph 4, as orally amended, was adopted.

Paragraphs 5 to 12

26. Paragraphs 5 to 12 were adopted

Paragraph 13

27. Ms. CHANET said she had some reservations about the contents of paragraph 13. To begin with, the first sentence would need to be changed, as the Bureau had met not once but three times a week during its sixty-sixth session. The second sentence then appeared to lay down guidelines for the Bureau. In fact, the appropriate place in which to give such guidelines was the rules of procedure of the Committee, but they contained no such provision. The only point that might be raised in paragraph 13 concerned the decision adopted by the Committee at its sixty-fifth session, whereby the Bureau would meet outside regular meeting hours if interpretation was available; if it was not available, the Bureau would meet during regular meeting hours.

28. Mr. AMOR said he shared the views of Ms. Chanet.

29. Lord COLVILLE said the paragraph would be rewritten to take Ms. Chanet's comments into account.

30. Paragraph 13, as orally amended, was adopted.

Paragraphs 14 to 17

31. Paragraphs 14 to 17 were adopted.

Paragraph 18

32. Mr. YALDEN said that the third sentence in paragraph 18 could give the impression that the Working Group had studied the Committee's working methods together with representatives of the specialized agencies, subsidiary bodies and non-governmental organizations. To remove the ambiguity, he proposed that the third sentence should be split in two, ending after the words "the Committee's working methods", and that the adverb "systematically" should be deleted.

33. Mr. POCAR suggested that the reference to periodic reports in the third sentence should be deleted, since the Working Group also dealt with issues relating to the initial reports of States parties.

34. Paragraph 18, as orally amended, was adopted.

Paragraphs 19 to 21

35. Paragraphs 19 to 21 were adopted.

Paragraph 22

36. Paragraph 22 was adopted.

Paragraph 23

37. Mr. SOLARI YRIGOYEN said the paragraph should be limited to a mention of the informal meeting on 23 March 1999 between Ms. Anne Bayefsky and Committee members on the study requested by the High Commissioner for Human Rights and the progress made so far, the paragraph could even be quite simply deleted.

38. Mr. AMOR, Ms. EVATT, Mr. KLEIN, Mr. POCAR, Ms. CHANET and Mr. YALDEN agreed with Mr. Solari Yrigoyen

39. Paragraph 23 was deleted.

Paragraph 24

40. Mr. ANDO proposed that the words "Normative Multilateral Treaties including" should be deleted from the end of the first sentence.

41. Mr. POCAR proposed that the penultimate sentence should be shortened to read: "It is apparent from Mr. Pellet's Fourth Report of 25 March 1999 (A/CN.4/499, para. 10) that other treaty bodies have adopted a similar position to that set out in the Committee's letter." He also proposed that the last sentence of the paragraph should be deleted.

42. Paragraph 24, as orally amended, was adopted.

Paragraph 25

43. Paragraph 25 was adopted.

Paragraphs 26, 27, 28 and 29

44. Mr. SCHEININ said that paragraphs 26 to 29 did not stress sufficiently States parties' obligations under the Covenant in the event of a derogation from its provisions. To remedy that shortcoming, he suggested that the following proviso, drawn from article 4 of the Covenant, should be added at the end of the first sentence of paragraph 26: "provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." The Committee's role in cases of derogation, which was dealt with in paragraph 27, should be clarified by adding the following phrase, also based on the wording of article 4 of the Covenant: "including the obligation not to derogate from their obligations except to the extent strictly required by the exigencies of the situation."

45. Mr. POCAR said he did not dispute the importance of the subject dealt with - for the first time - in section J, but it might be premature to broach the matter when the general comment on article 4 announced by the Committee in its previous report was still being drafted by Mr. Scheinin. In his opinion, it was questionable whether it would be a good idea to retain all of section J.

46. Mr. ANDO agreed with Mr. Pocar.

47. Paragraphs 26 to 29 were deleted.

Paragraph 30

48. Mr. KLEIN said the Committee should limit paragraph 30 to the statement of facts on the situation in Guatemala and Ecuador and should bear in mind the rest of the paragraph and section J when drafting its general comment on article 4.

49. Mr. LALLAH agreed with Mr. Klein.

50. Paragraph 30, as orally amended by Mr. Klein, was adopted.

51. Ms. MEDINA QUIROGA took the Chair.

Paragraph 31

52. Mr. SCHEININ said the sentence in brackets at the end of the paragraph should be replaced by a sentence pointing out that the draft had been distributed to the Committee at its sixty-sixth session in all the working languages. He recalled, moreover, that in paragraphs 440 and 460 of the previous annual report the rapporteurs appointed by the Committee had been mentioned by name. That example should be followed.

53. Paragraph 31 was adopted, subject to the amendments proposed by Mr. Scheinin

Paragraph 32

54. Paragraph 32 was adopted.

Paragraph 33

55. Ms. CHANET proposed that the word "expressed", in the first line of paragraph 33, should be replaced by the word "shown". Furthermore, the whole of the second part of the second sentence, from "which are reflected" onwards, did not belong in that paragraph, unless Mrs. Robinson had herself actually told the Committee that its request was indeed so reflected, in which case the second sentence should end with the words "the biennium 2000-2001" and a new sentence should begin with the words "The High Commissioner informed the Committee ...".

56. The CHAIRPERSON said that should present no difficulty. She also pointed out that the reference to the sixty-sixth session had been deleted from the second sentence.

57. Paragraph 33, as orally amended, was adopted

Paragraph 34

58. Paragraph 34 was adopted.

Paragraph 35

59. Mr. ANDO proposed that, in the first sentence, it should be made clear that the Committee was reiterating concerns it had been expressing for some time.

60. Mr. AMOR said it was not always necessary for a document to be edited if editing would delay the distribution of the document. The important thing was that reports should be available to the Committee in good time. While the simultaneous distribution of documents in all the working languages of the Committee was a fundamental principle of United Nations practice, the Committee should be able to apply a certain amount of pragmatism.

61. Ms. EVATT said she did not think it was a good idea to include the request contained in the last sentence of paragraph 35. The paragraph could conclude with the preceding sentence,

after that sentence had been modified in such a way as to show that the Committee preferred, wherever possible, reports from States parties to be sent to the translation services without having been edited, in order to avoid delays.

62. Following a discussion in which Mr. LALLAH, Ms. CHANET, Lord COLVILLE and Mr. POCAR took part, it was decided that the first sentence of the paragraph would end with the words "as a consequence of delays in editing and translation" (after "reports by States parties"). The next sentence would begin with the words "In this connection the Committee notes its preference that", and then continue: "reports of States parties should be submitted, whenever possible, for translation without editing". The rest of the paragraph was to be deleted.

63. Paragraph 35, as orally amended, was adopted.

Paragraph 36

64. Paragraph 36 was adopted.

Paragraph 37

65. Ms. EVATT noted that paragraph 37 referred to volume II of the annual report of the Committee for 1997 but, as far as she knew, that volume had not been issued. She would like the secretariat to carry out the necessary checks in that connection.

66. Paragraph 37 was adopted, subject to the checks to be carried out by the secretariat.

Paragraph 38

67. Paragraph 38 was adopted.

Paragraph 39

68. Mr. YALDEN, referring to the last two sentences of paragraph 39, said there was no need, in his opinion, to mention the Web site of the Office of Legal Affairs and the fact that there was a charge for access to that site. He therefore proposed that the last two sentences should be replaced with the following sentence: "Reservations and other declarations made by a number of States parties are accessible on the Web site of the Office of the High Commissioner for Human Rights."

69. Paragraph 39, as orally amended, was adopted.

Paragraph 40

70. Mr. POCAR proposed that the last part of the second-last sentence of paragraph 40 should be deleted and that the first part of the sentence should be reworded to read: "The Committee asks that urgent efforts ...".

71. Paragraph 40, as orally amended, was adopted.

Paragraphs 41 and 42

72. Paragraphs 41 and 42 were adopted.

73. Chapter I (CCPR/C/66/CRP.1/Add.1/Rev.1), as orally amended, was adopted, subject to editorial amendments to be made by the secretariat.

Chapter III (CCPR/C/66/CRP.1/Add.3/Rev.1)

74. Lord COLVILLE said the chapter contained essentially factual information and its adoption should present no difficulties. With regard to the States parties listed in paragraph 54 whose reports were more than five years overdue, he stressed that the date 1 August 1999 had been added so that the number of years' delay could be calculated on the basis of a single date for all States parties, thereby avoiding any distortions that might arise, for example, by attributing a further year's delay to some States parties for the sake of a few days.

Paragraph 51

75. Mr. SCHEININ, referring to the last sentence of paragraph 51, said that since the Committee at its current session had adopted new guidelines on the reports to be submitted by States parties and the periodicity of five years had thereby been eliminated, the last sentence of the paragraph could be reworded to read: "In accordance with the current guidelines of the Committee on the submission of reports by States parties, adopted at its sixty-sixth session, the date for the next periodic report by a State party is set at the end of the Committee's concluding observations on any report under article 40 of the Covenant".

76. Paragraph 51, as orally amended, was adopted.

Paragraph 52

77. Ms. EVATT proposed that, in order not to offend anyone's sensibilities, the last sentence of the paragraph should say that the People's Republic of China had submitted "the" first report on the Special Administrative Region of Hong Kong, rather than "its" first report.

78. Mr. SCHEININ proposed that the phrase "the Committee received twelve ... reports", in the first sentence, should be replaced by the wording "twelve ... reports were submitted to the Committee".

79. Mr. LALLAH, noting that there were often considerable delays in the submission of reports to the Committee, proposed that section A should be entitled: "Reports received by the secretariat from August 1998 to July 1999".

80. Ms. CHANET said that since the Netherlands Antilles were not a sovereign State, "the Netherlands Antilles" should be replaced by "the Netherlands".

81. Paragraph 52, as orally amended, was adopted.

Paragraph 53

82. At the suggestion of Mr. AMOR, supported by Mr. POCAR, it was decided to delete the third sentence of paragraph 53.

83. Mr. POCAR proposed that the phrase "and non-compliance by States parties with their obligations under article 40 of the Covenant" should be added to the heading of section B, since paragraphs 56 and 57 of the draft dealt with that issue.

84. Paragraph 53, as orally amended, was adopted.

Paragraph 54

85. Ms. EVATT, referring to the list of States parties at the end of the paragraph, said it was not the custom of the Committee to count years overdue in half-years, as was done in the case of the special report requested of Rwanda.

86. Mr. POCAR proposed that there should be no reference at all to the number of years the special report requested of Rwanda was overdue, since the report was in fact not "overdue", but had simply not been submitted.

87. Paragraph 54, as orally amended by Mr. Pocar, was adopted.

Paragraph 55

88. Ms. EVATT said that paragraph 55 was repetitive and should be deleted.

89. Paragraph 55 was deleted.

Paragraph 56

90. Paragraph 56 was adopted.

Paragraph 57

91. Mr. WIERUSZEWSKI proposed that the phrase "into the languages of the Committee members", in the second-last sentence, should be replaced by the phrase "into the working languages of the Committee".

92. Ms. EVATT proposed that the last sentence of paragraph 57, which appeared to be superfluous, should be deleted.

93. Paragraph 57, as orally amended, was adopted.

94. Chapter III (CCPR/C/66/CRP.1/Add.3/Rev.1) was adopted.

Chapter IV (CCPR/C/66/CRP.1/Add.4)

95. Chapter IV (CCPR/C/66/CRP.1/Add.4) was adopted

Chapter V (CCPR/C/66/CRP.1/Add.5)

Paragraph 1

96. Mr. KLEIN pointed out that the Committee had not formally adopted its General Comment 27 at the current session, as the draft had not been available in all the working languages of the Committee. He therefore proposed that the second sentence of paragraph 1 should be replaced by the following sentence: "At its sixty-sixth session, the Committee completed the second reading of the draft".

97. Paragraph 1, as orally amended, was adopted

Paragraph 2

98. Ms. EVATT pointed out that no amendment to the general comment of the Committee on article 4 had been submitted at the sixty-sixth session. She therefore proposed that paragraph 2 of the draft should be deleted, as it served little purpose.

99. Paragraph 2 was deleted

Paragraph 3

100. Lord COLVILLE proposed, in the light of the deletion of paragraph 2, that only the final sentence of paragraph 3, on the draft general comment on article 4 submitted by Mr. Scheinin, should be retained.

101. Paragraph 3, as orally amended, was adopted

Paragraphs 4 and 5

102. Paragraphs 4 and 5 were adopted

103. Chapter V (CCPR/C/66/CRP.1/Add.5) was adopted

The meeting rose at 1 p.m.



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.1781
5 October 1999

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) * OF THE 1781st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 July 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

CONTENTS

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY THROUGH THE ECONOMIC
AND SOCIAL COUNCIL UNDER ARTICLE 45 OF THE COVENANT AND ARTICLE 6 OF THE
OPTIONAL PROTOCOL (continued)

* The summary record of the second part (closed) of the meeting appears
as document CCPR/C/SR.1781/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They
should be set forth in a memorandum and also incorporated in a copy of the
record. They should be sent within one week of the date of this document to
the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee
at this session will be consolidated in a single corrigendum, to be issued
shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY THROUGH THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 45 OF THE COVENANT AND ARTICLE 6 OF THE OPTIONAL PROTOCOL (agenda item 9) (continued) (CCPR/C/66/CRP.1/Add.2/Rev.1, Add.7 and Add.8; CCPR/C/66/CRP.2/Add.1-3,5,6 and 8-12)

1. The CHAIRPERSON invited the Committee to resume consideration of its annual report to the General Assembly.

Chapter VI (Consideration of communications under the Optional Protocol)
(CCPR/C/66/CRP.1/Add.7)

Introduction

2. Mr. AMOR, referring to paragraph 1, said that 145 States had now ratified the Covenant. The figure in the last sentence should be corrected.

3. The introduction, as amended, was adopted.

Section A (Progress of work)

4. Mr. POCAR said that a total of 823 communications had been registered at the time of adoption of the previous annual report. The current total, according to paragraph 3 of chapter VI, was 862. It followed that only 39 communications had been registered during the period covered by the report, which struck him as a very small number, particularly in the light of section B entitled "Growth of the Committee's caseload under the Optional Protocol".

5. Lord COLVILLE said that, owing to the delay in having documents translated and reproduced in all the working languages, the numbers quoted in paragraph 3 were out of date. The final total would be considerably more than 862 communications. He requested authorization to update the figures before the end of the session.

6. It was so decided.

7. Mr. SCHEININ, referring to paragraphs 6 and 7 concerning the Committee's Views and decisions and the annexes in which they were to be reproduced, said that although, pursuant to rule 85 of the Committee's rules of procedure, he had not participated in the examination of case No. 850/1999 (Hankala v. Finland), he had been recorded as having done so. He trusted that that mistake would be rectified when the annexes were published. He also noted that the non-participation of members in the proceedings pursuant to rule 85 had been recorded in three different ways in annex XI to the previous annual report and suggested that a standard form of wording should be adopted.

8. Ms. EVATT said that, according to paragraph 3, the annual report covered the period from 1 August 1998 to 30 July 1999. But the data for overdue reports in chapter III (CCPR/C/66/CRP.1/Add.3/Rev.1) were based on the situation at 1 August 1999.

9. Lord COLVILLE (Rapporteur) proposed amending the date in the title of the table concerning overdue reports in chapter III to read "30 July 1999". The number of years shown in the final column would then be reduced by one year for each State party.

10. It was so decided.

11. Section A, subject to rectification of the figures for communications, was adopted.

Section B (Growth of the Committee's caseload under the Optional Protocol)

12. Lord COLVILLE (Rapporteur) read out the following proposed new version of the second and third sentences of paragraph 12:

"That figure would be considerably higher were it not for the fact that many communications, despite having been initially screened, have not yet reached the stage of registration; it is registration that has been delayed for a considerable period, up to a year in some cases. In addition to that delay, other than in cases considered urgent, there is a growing backlog of correspondence awaiting reply which relates to matters other than cases for registration."

13. Mr. POCAR, referring to paragraph 16, proposed deleting the phrase "while fully aware of the financial crisis besetting the Organization" and amending "should be guaranteed" to read "shall be guaranteed". The financial crisis was not an acceptable excuse for depriving the Committee of the resources it needed to perform its functions.

14. Lord COLVILLE (Rapporteur) said that an identical paragraph had been published in the previous annual report.

15. Mr. AMOR said he had noticed that some activities were penalized on account of the financial crisis and others not.

16. Ms. CHANET supported Mr. Pocar's proposal. The Committee was tired of hearing the same old argument about a financial crisis when funds were readily available for other activities, such as studies.

17. Section B, as amended by the Rapporteur and Mr. Pocar, was adopted.

Section C (Approaches to examining communications under the Optional Protocol)

18. Mr. SCHEININ, referring to paragraph 17, suggested that the number of cases should be specified in which interim measures of protection pursuant to rule 86 of the rules of procedure had been requested.

19. Lord COLVILLE (Rapporteur) said he would do the requisite research and insert the appropriate figure in place of the word "other" in the penultimate sentence.

20. Section C was adopted on that understanding.

Section D (Individual opinions)

21. Section D was adopted.

Section E (Issues considered by the Committee)

22. Mr. POCAR drew attention to an inconsistency between paragraph 23 concerning volumes of selected decisions by the Committee under the Optional Protocol and chapter I, paragraph 37, of the annual report (CCPR/C/66/CRP.1/Add.1/Rev.1). The Committee expressed distress in paragraph 23 about the failure to publish volume 3 of the selected decisions and in chapter I welcomed the fact that it was to be published shortly.

23. Lord COLVILLE (Rapporteur) said that he would check what stage had been reached in the publication process and bring the wording of the two paragraphs into line with the current situation.

24. Ms. CHANET said it was deplorable that it took so long to publish volumes of decisions that had been adopted many years previously. She asked how many recent decisions were currently accessible on the Website.

25. Ms. EDELENBOS (Secretariat) said that all decisions since the forty-sixth session were now available on the Website.

26. Ms. CHANET proposed deleting the word "interpretative" in the penultimate sentence.

27. It was so decided.

28. Lord COLVILLE (Rapporteur), referring to paragraph 37, said that the paragraph had been amended to reflect the Committee's action on case No. 869/1999. The opening part would be amended to read: "In the period under review, the Committee faced a failure to comply with its request under rule 86 in two instances. (1) Cases Nos. 839/1998 ...". The following text would be added at the end of the paragraph:

"(2) Case No. 869/1999 (Piandiong et al. v. Philippines). Despite the Committee's request of 23 June 1999 to stay the execution of the authors of the communication, they were executed by the State party on 8 July 1999. The Committee wrote to the State party on 14 July 1999 demanding within one week clarifications about the circumstances surrounding the executions. On 16 July, the Permanent Mission responded that the Committee's request had been submitted to the capital for appropriate response and that, pending receipt of this response, the Chargé d'affaires in the Mission was ready to meet with the Committee or its representative. On 21 July, the Chargé d'affaires met with the Vice-Chairperson of the Committee, Ms. Evatt, and the Special Rapporteur for New Communications, Mr. Kretzmer. The Vice-Chairperson and the Special Rapporteur expressed the Committee's deep concern at the non-

compliance by the State party with the request under rule 86. The Chargé d'affaires repeated that his Government would be providing a full response."

29. Paragraph 37, as amended, was adopted.

30. Mr. KRETZMER said the Committee had decided in the two cases cited in paragraph 54 that the reclassification of an offence for a convict already subject to a death sentence was not a determination of a criminal charge within the meaning of article 14 of the Covenant. But the Committee had decided in other cases considered at the current session that, where a judge in a similar procedure had handed down a prison sentence involving a non-parole period, a hearing would be necessary. The Committee should not give the impression that it was being inconsistent.

31. Lord COLVILLE (Rapporteur) said that the text had been prepared prior to the adoption of those decisions. He would amend it in such a way as to ensure that there was no inconsistency.

32. Section E, as amended and subject to updating of the information regarding the publication of selected decisions, was adopted.

Section F (Remedies called for under the Committee's Views)

33. Section F was adopted.

34. Chapter VI, as amended and subject to updating of the figures in sections A and C and of the information regarding publication of selected decisions, was adopted.

Chapter VII (Follow-up activities under the Optional Protocol)
(CCPR/C/66/CRP.1/Add.8)

35. Lord COLVILLE (Rapporteur) read out the following text to be inserted as paragraph 10 (a) concerning two communications submitted by the Czech Republic: "The Permanent Mission of the Czech Republic requested a meeting with the Special Rapporteur on follow-up of Views. On Tuesday, 13 July, during the Committee's sixty-sixth session, Mr. Fausto Pocar met with Ambassador M. Somol and Mr. Jiri Malenowsky, Director-General at the Ministry of Foreign Affairs in Prague. Several issues were discussed, including the legal, constitutional and political problems that the State party is facing in fully implementing the Committee's Views with respect to communications Nos. 516/1992 (Simunek) and 586/1994 (Adam v. the Czech Republic)."

36. Mr. LALLAH observed that the report did not reflect the decisions taken during the current session.

37. Lord COLVILLE (Rapporteur) explained that at the time of drafting it had not been possible to take account in the document of decisions taken during the current session. The final version of the report would be updated to reflect the situation as at 30 July 1999.

38. Mr. SCHEININ, referring to paragraph 2, said that the name of the Special Rapporteur on Follow-up of Views should read "Mr. Fausto Pocar".

39. Mr. POCAR said that in the light of the addition of paragraph 10 (a), the information provided on the Czech Republic under paragraph 7 would need to be amended. The last sentence should read "Follow-up consultations were held during the sixty-first and sixty-sixth sessions (see 1998 report (A/53/40), para. 492, and para. 10 (a) below)".

40. Furthermore, he suggested that a more appropriate heading for paragraphs 9 to 15 would be "Overview of follow-up replies received and of the Special Rapporteur's follow-up consultations during the reporting period".

41. Mr. LALLAH, referring to paragraph 18, sought clarification regarding the statement in the first sentence to the effect that the recommendation that at least one follow-up mission per year be budgeted by the Office of the High Commissioner for Human Rights had still not been implemented. Surely such missions ought to be budgeted by the Secretary-General of the United Nations.

42. Lord COLVILLE (Rapporteur) said that the matter would be followed up by the secretariat. He drew attention to the following text to be inserted as paragraphs 19 and 20, which reflected the current situation vis-à-vis the Optional Protocol and the Committee's discussions on ways and means of strengthening follow-up procedures:

"19. Although the Human Rights Committee is not a court, its application and interpretation of the provisions of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto has yielded a body of very quotable 'case-law'. After its first 22 years of operation, the Optional Protocol procedure has shown a concrete development of juridical ideas. But further, the follow-up procedure is a major step toward monitoring and facilitating the implementation of the Committee's decisions; it may also reinforce the public's perception that the Committee's decisions may lead to concrete remedies for the violations of their human rights.

20. To strengthen further the follow-up procedure, meetings of States parties to the International Covenant on Civil and Political Rights should be held annually, to which the Special Rapporteur on Follow-up of Views would submit a report, so as to enable States parties to review compliance with decisions of the Human Rights Committee."

43. Mr. SCHEININ said he considered it premature for the Committee to make a recommendation along the lines of that in new paragraph 20. Further discussion was required on the legal implications of holding such a meeting with States parties; only a State party conference for amendments to the Protocol was provided for and was subject to approval by the General Assembly. Another matter to be clarified was the exact role of States parties and the outcome of the conference - the adoption of resolutions or endorsement of Committee decisions or Special Rapporteur's report. If the Committee decided that the matter should be raised in the current report, he proposed that paragraph 20 should be replaced by a text along the following lines: "Currently the Committee is in the process of discussing means of

strengthening the follow-up procedure, inter alia by way of engaging the States parties to the Optional Protocol in a concerted effort in assisting the Committee in its follow-up functions."

44. Mr. KLEIN proposed that paragraph 20 should be deleted.

45. Ms. EVATT endorsed that proposal, pointing out that as a result paragraph 19 would also need to be deleted.

46. Ms. CHANET and Mr. AMOR suggested that both paragraphs 19 and 20 should be deleted.

47. Lord COLVILLE (Rapporteur) said that deletion was the easy option; what was difficult was to succeed in incorporating any new idea in the report. The Committee had begun to discuss follow-up procedures and, recognizing that there was a problem, the Special Rapporteur had suggested a State party meeting to deal with it. With no funds being allocated for the Special Rapporteur's activities other than meetings with representatives from permanent missions, no further progress in the area would be made. However, some reference to the issue in the report would provide a basis on which to work in the future. He therefore urged members to reconsider their proposal to delete all reference to the matter - a totally negative solution - and to come down in favour of Mr. Scheinin's proposal.

48. Mr. LALLAH, while welcoming Lord Colville's initiative, stated his preference for the text proposed by Mr. Scheinin in place of paragraphs 19 and 20.

49. The CHAIRPERSON said she would take it that the Committee wished to adopt the text proposed by Mr. Scheinin.

50. It was so decided.

51. Chapter VII, as amended, was adopted.

Annex I: States parties to the International Covenant on Civil and Political Rights and to the Optional Protocol, and States which have made the declaration under article 41 of the Covenant as at 30 July 1999
(CCPR/C/66/CRP.2/Add.1)

52. Mr. POCAR, referring to the States parties to the Covenant listed under section A, observed that Tajikistan had acceded to the Covenant on 4 January 1999. He suggested that note b should be appended against that State's name to make it clear that, in the Committee's view, the date of entry into force of the Covenant was that of the State's declared independence. Otherwise there would be no indication in the report of the years that had elapsed between the State's independence and its succession to the Covenant.

53. Ms. EVATT endorsed that suggestion.

54. Mr. SCHEININ pointed out that Uzbekistan was an identical case to that of Tajikistan and should be used as a precedent. However, in the case of Kazakhstan, note d applied, since although the State party had not yet issued

a declaration of succession or submitted its instrument of ratification, it continued to be protected by the rights enshrined in the Covenant on the grounds that it was part of a former State party to the Covenant (former Soviet Union).

55. The CHAIRPERSON asked why the date of entry into force of the Covenant in Tajikistan was given as 4 April 1999 when the Committee considered it to be the date of that State's declared independence some considerable time earlier.

56. Mr. ANDO recalled that States which declared their independence from former States parties were considered as successor States and need not comply with ratification procedures. However, some States parties submitted ratification instruments of their own free will as an expression of their new-found independence. In such cases, in accordance with the provisions of the Covenant, the date of entry into force was four months after the date of receipt of the instrument of ratification.

57. The CHAIRPERSON said it should be made clearer in annex I that as far as the Committee was concerned, the date of entry into force for States such as Tajikistan was the date of its declaration of independence.

58. Mr. POCAR observed that the purpose of note b was precisely that.

59. Ms. CHANET said that the column "Date of entry into force" was somewhat misleading; perhaps a heading along the lines of "Date of entry into force recognized by the State party" would be more appropriate.

60. Following further comments by Mr. LALLAH, the CHAIRPERSON, Ms. EVATT and Mr. SCHEININ, Ms. CHANET suggested that, in the case of States like Tajikistan, note a should be inserted under the column entitled "Date of receipt of the instrument of ratification or accession or succession" to indicate receipt of the instruments of accession while note b should appear against the date of entry into force rather than against the country name.

61. Mr. POCAR endorsed that suggestion. He drew attention to an error in the information provided with respect to The former Yugoslav Republic of Macedonia. The reference to note b should be deleted since Macedonia, like the other republics of the former Yugoslavia, had issued a declaration of succession upon gaining independence.

62. The CHAIRPERSON said she took it there was consensus that all the "b" endnotes should be included in the column "Date of entry into force".

63. Mr. POCAR said he was not sure whether the understanding had been that the Baltic States should be dealt with in the same way. He did not think endnote "b" should be appended in their case.

64. Mr. ANDO pointed out that the Baltic States had regarded the Russian occupation as a de facto, not a legal occupation. It was therefore important to append endnote "b" as a reference to their accession to independence.

65. Mr. KLEIN supported that view. With regard to States such as Kazakhstan, however, to which endnote "d" had been appended, he would like to know whether the Committee had asked those States to report, and what their reaction had been.

66. Lord COLVILLE (Rapporteur) said no report had been received from Kazakhstan, and thus the dates had been left blank in the list. He would prefer not to alter that formulation at the present stage of the Committee's session.

67. As he understood it, the Committee's view had been that no changes should be made to the text in respect of States that had been part of the former Yugoslavia, namely Bosnia and Herzegovina, Croatia, Slovenia and The former Yugoslav Republic of Macedonia. In addition, no changes should be made in respect of Estonia, Latvia and Lithuania. In the case of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Tajikistan, Turkmenistan and Uzbekistan, which had been part of the former Soviet Union, endnote "b" should be transferred from the first to the last column.

68. Mr. POCAR agreed. He pointed out that in the entry for Armenia endnote "a" should be added after the date 23 June 1993, and that in the entry for The former Yugoslav Republic of Macedonia endnote "b" in the first column should be removed.

69. Annex I, as amended, was adopted.

Annex II: Membership and officers of the Human Rights Committee, 1998-1999
(CCPR/C/66/CRP.2/Add.2)

70. Ms. EVATT pointed out that a further footnote should be added in respect of Mr. Buergenthal.

71. Mr. LALLAH suggested that that footnote should be designated by three stars.

72. It was so decided.

73. Annex II, as amended, was adopted.

Annex III: Guidelines adopted in July 1999 (CCPR/C/66/CRP.2/Add.3)

Annex IV: Submission of reports and additional information by States Parties under article 40 of the Covenant during the period under review
(CCPR/C/66/CRP.2/Add.4)

74. Lord COLVILLE (Rapporteur) said he had not yet had an opportunity to check the final text of annex III. When he had done so, it would be sent for translation and again checked to ensure that the various language versions were correct. Annex IV was also in course of preparation.

Annex V: Status of reports considered during the period under review and of reports still pending before the Committee (CCPR/C/66/CRP.2/Add.5)

75. Mr. LALLAH suggested that instead of "not yet considered", which implied that the report was ready for consideration, the fourth column should indicate either "in editing" or "in translation" as appropriate. He also suggested that a sentence should be added at the end of paragraph 52 in chapter III of the report reading "The cumulative list of reports submitted and their status as to their consideration by the Committee are set out in annex V". Without that addition, there was no way of relating annex V to any part of the report.

76. Ms. EVATT suggested that a simpler solution might be to use the formulation "Not yet issued", with a footnote along the following lines "Reports are not issued until they have been edited and translated into the working languages of the Committee". If necessary, a reference could be made to the relevant part of the report itself.

77. Lord COLVILLE (Rapporteur) supported those suggestions, which would make clear to readers of the report the difficulties the Committee had to contend with. He suggested that throughout the report, including the annexes, all footnotes should refer to the relevant paragraph in the body of the text.

78. Mr. ANDO recalled that, in the case of Afghanistan, the Committee had begun consideration of the report but the delegation had asked for a postponement because there had been constitutional changes, and after that the situation in the country had deteriorated. He suggested that a footnote explaining the situation should be added, since otherwise "not yet considered" gave a bad impression.

79. Lord COLVILLE (Rapporteur) pointed out that in the revised version of annex V the entry for Afghanistan had been deleted.

80. Mr. POCAR suggested that the words "... and therefore is not available for consideration" should be added after "Not issued".

81. It was so decided.

82. Annex V, as amended, was adopted.

Annex VI: List of States Parties' delegations that participated in the consideration of their respective reports by the Human Rights Committee at its sixty-fourth, sixty-fifth and sixty-sixth sessions (CCPR/C/66/CRP.2/Add.6)

83. Mr. WIERUSZEWSKI pointed out that the list did not reflect changes that had been made in the composition of delegations. It would need to be checked by the secretariat.

84. Mr. KLEIN said the names of States should also be checked.

85. Annex VI was adopted on that understanding.

Annex VII: General comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights: General comment No. 27 (66) (CCPR/C/66/CRP.2/Add.7)

86. Ms. EVATT suggested that since annex III was to be included in the report despite the fact that the final text had not yet been approved, the Committee's general comment on article 12 should also be included.

87. Mr. ANDO pointed out that the Committee had already decided that it could not adopt annex III until the text had been finalized in all languages.

88. Mr. POCAR recalled that following consideration of the general comment on article 12, it had likewise been agreed that formal adoption should be delayed until the text was available in all languages.

89. Ms. EVATT said that in that case she hoped that the two documents concerned could be adopted during the first few days of the next session and then distributed to States parties. That would mean that adoption would only be delayed by some two months.

90. Annex VII was adopted on that understanding.

Annex VIII: Letter from the Chairperson of the Committee to the Chairman of the International Law Commission dated 5 November 1998 (CCPR/C/66/CRP.2/Add.8)

91. Annex VIII was adopted.

Annex IX: List of documents issued during the reporting period (CCPR/C/66/CRP.2/Add.9)

92. Annex IX was adopted.

Annex X: Follow-Up replies on the implementation of the Committee's views: Case No. 481/1991 - Villacres Ortega v. Ecuador (CCPR/C/66/CRP.2/Add.10)

93. Lord COLVILLE (Rapporteur) pointed out that the table of contents (CCPR/C/66/CRP.1/Add.1/Rev.1) wrongly referred to annex X as "Short guide to concluding observations". That was in fact a document that he himself had drafted, which would eventually be circulated in all languages for the Committee's consideration at its next session. It had not been his intention to include it in the annual report.

94. Ms. EVATT welcomed the agreement set out in annex X. She suggested that an addition should be made to the heading to make it clear that the document had come from the State party and not from the Committee itself.

95. Mr. ANDO pointed out that in the heading on page 2 "Committee on Human Rights" should be amended to read "Human Rights Committee".

96. Annex X, as amended, was adopted.

Annex XI: Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights (CCPR/C/66/CRP.2/Add.11)

97. The CHAIRPERSON noted that the words "of the Human Rights Committee" should be deleted in the title.

98. Annex XI, as amended, was adopted.

Annex XII: Decisions of the Human Rights Committee declaring communications inadmissible under the Optional Protocol to the International Covenant on Civil and Political Rights (CCPR/C/66/CRP.2/Add.12)

99. Annex XII was adopted.

100. Lord COLVILLE (Rapporteur) said the letter written by the Chairperson to the High Commissioner for Human Rights should be included in the report as an additional annex, with a reference to paragraph 48 of chapter I. Since the Committee had not yet formally adopted the guidelines, paragraph 45 of chapter II would have to be deleted.

101. Ms. EVATT suggested that that point could be met by the addition to paragraph 45 of a sentence along the following lines: "The Committee completed its consideration of the Guidelines".

102. She recalled that the previous year she had insisted, with the support of the secretariat, that the whole report should be published as a single document, together with all the annexes. It had not proved possible to do so that year, but she hoped that that could be done in the case of the current year's report.

103. The draft annual report of the Human Rights Committee as a whole, as amended, was adopted subject to approval of the final text of annexes III and IV in all languages.

104. The CHAIRPERSON said that thanks and congratulations were due to Lord Colville for his work in preparing the report.

105. Mr. AMOR, while commending Lord Colville for his efforts, deplored certain comments made in connection with the discussion on paragraphs 19 and 20 of the report. To describe criticisms of a new proposal as negative or unconstructive was unacceptable and he hoped that such incidents would not recur.

106. Mr. KRETZMER also thanked Lord Colville, together with the Chairperson and the secretariat, but wondered whether it was really necessary for the Committee to spend almost an entire day on adopting its report. Would it not be possible at future sessions to let members see the draft early enough to enable them to submit their amendments to the secretariat, thus saving the Committee's time?

107. Ms. CHANET also thanked Lord Colville and said that the Rapporteur's task had been particularly difficult at the present session. Mr. Kretzmer's suggestion could not have been acted on as parts of the draft report, including paragraphs 19 and 20, had not been ready until the last minute and then only in English. She fully agreed with Mr. Amor that discussion of new suggestions should not be discouraged. It was to be hoped that the technical difficulties which had arisen at the present session would have been resolved by the next session and that half a day would suffice for the consideration of the report.

108. Lord COLVILLE (Rapporteur) thanked all previous speakers for their generous comments and welcomed the suggestion made by Mr. Kretzmer. The problem at the present session had been with the translation of texts into French and Spanish owing to competing demands on the translation services from other bodies. At the next session he would make an even earlier start on drafting the report in the hope of placing every part of the text before members in good time.

The public part of the meeting rose at 5.15 p.m.